

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

ANN L. HAUGHT,

:

*Plaintiff,*

:

v.

: Civil Action No. WDQ-02-3919

HON. LES BROWNLEE,

:

ACTING SECRETARY,

U.S. DEPARTMENT OF THE ARMY,

:

:

*Defendant.*

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**MOTION TO DISMISS OR FOR SUMMARY JUDGMENT**

Defendant, the Honorable Les Brownlee,<sup>1</sup> Acting Secretary of the United States Department of the Army, by Thomas M. DiBiagio, United States Attorney for the District of Maryland, and Neil R. White, Assistant United States Attorney for said District, hereby moves to dismiss the Complaint, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), or for summary judgment pursuant to Fed. R. Civ. P. 56(c). In support thereof, Defendant states that Plaintiff fails to state a claim upon which relief may be granted, or alternatively, that the undisputed facts entitle him to judgment as a matter of law in this employment discrimination action because Plaintiff has not suffered an “adverse employment action” necessary to maintain claims of either gender or age discrimination.

The grounds supporting this Motion are set forth in greater detail in the accompanying memorandum of law, which is incorporated herein.

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<sup>1</sup>On April 25, 2003, Thomas E. White ceased to be Secretary of the U.S. Department of the Army. Pursuant to Fed. R. Civ. P. 25(d)(1), until a replacement has been confirmed, the Acting Secretary of the Army, Les Brownlee, should be substituted as the sole defendant to this action.

WHEREFORE, Defendant respectfully requests that this Court either dismiss Plaintiff's Complaint in its entirety, with prejudice, or enter summary judgment in his favor as to both counts of the Complaint.

Respectfully submitted,

Thomas M. DiBiagio  
United States Attorney

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